



Department of Defense
DIRECTIVE

AD-A271 942



July 12, 1991
NUMBER 5505.6

IG, DoD

**SUBJECT: Investigations of Allegations Against Senior Officials
of the Department of Defense**

- References:**
- (a) Deputy Secretary of Defense Memorandum, subject as above, March 28, 1989 (hereby canceled)
 - (b) Uniform Code of Military Justice, 10 U.S.C. 801 et seq.
 - (c) DoD Directive 5500.7, "Standards of Conduct," May 6, 1987
 - (d) Public Law 95-452, "Inspector General Act of 1978," October 1, 1978, as amended by Public Law 97-252, "Department of Defense Authorization Act, 1983," September 8, 1982
 - (e) through (g), see enclosure 1

A. PURPOSE

This Directive:

1. Supersedes reference (a).
2. Establishes policy, assigns responsibilities, and prescribes procedures for reporting to the Inspector General of the Department of Defense (IG, DoD) allegations of serious misconduct against senior officials of the Department of Defense.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD); the Military Departments, including National Guard and Reserve components; the Chairman of the Joint Chiefs of Staff and the Joint Staff; the Unified and Specified Commands; the Inspector General of the Department of Defense (IG, DoD); the Defense Agencies; and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

C. DEFINITIONS

1. Allegations of Serious Misconduct. An allegation, not obviously frivolous, that, if proven, would constitute:

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a. A violation of criminal law, including for military officers a violation of the Uniform Code of Military Justice (reference (b)).

b. A violation of the DoD Standards of Conduct as identified in DoD Directive 5500.7 (reference (c)) or implementing regulations.

c. An abuse of authority, especially when there is an element of personal benefit to the official, a family member, or an associate.

d. A violation of a statutory post-Government service restriction.

e. A matter not included in paragraphs C.1.a. through d., above, that, nevertheless, can reasonably be expected to be of significance to the Secretary of Defense or the IG, DoD.

2. Senior Official. Active duty, retired, Reserve, or National Guard military officers in grades 0-7 and above, current and former civilians in the grade of GS or GM-16 or above, current or former members of the Senior Executive Service, and current and former DoD civilian Presidential appointees.

D. POLICY

1. It is DoD policy that allegations of serious misconduct against senior DoD officials shall be promptly reported to the IG, DoD, at the time such allegations are received by another DoD Component. Except in unusual circumstances, the IG, DoD, shall promptly notify the appropriate DoD Component when an allegation is received. Allegations of serious misconduct against senior officials shall be vigorously investigated by appropriate investigative organizations.

2. Nothing in this Directive shall affect the authority of the IG, DoD, under Pub. L. 95-452 and DoD Directive 5106.1 (references (d) and (e)).

3. Nothing in this Directive shall affect the authority of the Heads of the DoD Components and commanders to initiate inquiries or investigations into matters pertaining to their Component or command, and to determine the nature and severity of disciplinary or administrative action in particular cases, consistent with DoD Directive 5500.7 and DoD Instruction 5505.3 (references (c) and (f)) or other applicable laws, rules, and regulations.

E. RESPONSIBILITIES

1. The Inspector General of the Department of Defense shall:

a. Receive reports of allegations of serious misconduct made against senior DoD officials.

b. Promptly notify the appropriate DoD Component-designated official if an investigation is opened by the IG, DoD, on a current or former senior official of the Component, subject to paragraph E.1.f., below.

c. Provide simultaneous notification to the appropriate Military Department in the case of senior military officials assigned to the OSD or the Defense Agencies, subject to paragraph E.1.f., below.

d. Provide oversight, as the IG, DoD, deems appropriate, on investigations conducted by the DoD Components into allegations against senior officials.

e. Notify the Secretary of Defense of allegations or investigations involving Presidential appointees, and other allegations or investigations that can reasonably be expected to be of significance.

f. If the IG, DoD, determines in a particular case that investigative needs do not permit the notifications for which paragraphs E.1.b. and c. above provide, the IG, DoD, may dispense with those notifications and shall instead notify promptly the Secretary of Defense.

g. Establish necessary controls to limit access to information covered by this Directive. The controls will protect the confidentiality and sensitivity of material and identity of witnesses. Those controls should ensure that information covered by this Directive is handled to avoid unauthorized disclosure.

2. The Heads of the DoD Components shall:

a. Designate an individual to be the point of contact with the IG, DoD, for the exchange of information required by this Directive (hereafter referred to as the Component-designated official (CDO)). The Secretary of the Navy may designate separate officials for the Navy and Marine Corps.

b. Issue instructions as may be necessary to ensure that the CDO fulfills the responsibilities in subsections F.1. through F.6., below.

F. PROCEDURES

DoD CDOs shall:

1. Report to the IG, DoD, within 5 workdays of receipt, all allegations of serious misconduct made against senior officials of the reporting Component or other Components. The notification shall be made in writing and shall include the information in paragraphs F.1.a. through F.1.e., below.

- a. Name of senior official(s) involved.
- b. Rank and/or grade and duty position of senior official.
- c. Organization and location of senior official.
- d. Synopsis of the allegation(s) and date received by the CDO.
- e. Name(s) and duty position of the CDO.

The notification may be a copy of a report sent to the senior leadership of the DoD Component if the information in paragraphs F.1.a. through F.1.e., above, is included.

2. Unless notified that the IG, DoD, assumes investigative responsibility for a particular matter, initiate or cause to be initiated an investigation of the issues raised in the allegation(s).

3. If the investigation is not completed within 90 days of receipt of the allegation, provide an interim report to the IG, DoD, on the 90th day and supplement it every 60 days thereafter until the final report is submitted. The interim report may be a copy of a report sent to the senior leadership of the DoD Component, if it includes the information in paragraphs F.1.a. through F.1.e., above, and it also includes a summary of scope and findings to date and the expected date of completion.

4. Provide to the IG, DoD, within 1 week of completion of the investigation a copy of the report of the investigation (with attachments). This requirement includes, but is not limited to, reports of investigations conducted by Defense criminal investigative organizations, Inspectors General of the Military Departments, military commanders, Offices of General Counsel, or others appointed to investigate allegations of serious misconduct against senior officials.

5. Provide to the IG, DoD, a written report of any disciplinary and/or administrative action, and the nature thereof, taken against a senior official within 1 week after such action is taken.

6. Ensure that allegations of criminal misconduct are referred to the appropriate Defense criminal investigative organization consistent with DoD Instructions 5505.3 and 5505.2 (references (f) and (g)).

G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Inspector General of the Department of Defense within 120 days.



Donald J. Atwood
Deputy Secretary of Defense

Enclosure
References

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REFERENCES, continued

- (e) DoD Directive 5106.1, "Inspector General of the Department of Defense," March 14, 1983
- (f) DoD Instruction 5505.3, "Initiation of Investigations by Military Criminal Investigative Organizations," July 11, 1986
- (g) DoD Instruction 5505.2, "Criminal Investigations of Fraud Offenses," July 16, 1990